STAND. COM. REP. NO. 765 -14

Honolulu, Hawaii

February 28

RE: H.B. No. 1024 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1024 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to permanently extend the law providing county lifeguards protections from liability by repealing the sunset date of Act 170, Session Laws of Hawaii 2002, as amended.

The Attorney General, Department of Land and Natural Resources, Mayor of the City and County of Honolulu, Mayor of the County of Hawaii, Mayor of the County of Maui, Mayor of the County of Kauai, Council Chair of the Council of Maui, the Councilmember of the 4th District of the City and County of Honolulu, Kauai Fire Department, Ocean Safety Bureau of the Kauai Fire Department, Ocean Safety Division of the Honolulu Emergency Services Department, Hawaii Fire Department, Hawaii State Fire Council, Honolulu Fire Department, Kauai Visitors Bureau, Kauai Lifeguard Association, Hawaiian Lifeguard Association, Injury Prevention Advisory Committee, Outrigger Hotels Hawaii, Waikiki Improvement Association, Poipu Beach Resort Association, Kauai Chamber of Commerce, and many individuals testified in support of this measure. The Hawaii Association for Justice testified in opposition of this measure. The Hawaii State Association of Counties provided comments.

Your Committee acknowledges the protections that lifeguards afford to the public, both residents and visitors alike, in their enjoyment of state and county beaches. Your Committee also acknowledges that prior to the passage of Act 170 in 2002, there had been extremely few instances of lawsuits filed against lifeguards posted at state and county beaches.

Your Committee has amended this measure by:

- (1) Changing the length of the extension of the Act 170 liability shield for county lifeguards from a permanent extension to a period of three years;
- (2) Requiring the counties to submit a report on litigation against county lifeguards and the effects of Act 170 following the end of each fiscal year; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1024, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1024, H.D. 1.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

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State of Hawaii House of Representatives The Twenty-seventh Legislature

Record of Votes of the Committee on Judiciary

HSCK 766-14

Bill/Resolution No.:	Committee Referral:			Date:	
HB 1024	OMH, JUD 1/30/14				·
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold					
□ Pass short form bill with HD to recommit for future public hearing (recommit)					
JUD Members		Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)		X			
2. HAR, Sharon E. (VC)		X,			
3. BELATTI, Della Au	TANK				X
4. BROWER, Tom	ST ST VALUE AND ADDRESS OF THE ST	γ			
5. CREAGAN, Richard		i pull			
6. ITO, Ken		, X		AND THE RESERVE OF THE STREET	DESCRIPTION OF THE PROPERTY OF
7. KAWAKAMI, Derek S.K.		X			
8. LEE, Chris	ar en en	χ			
9. NAKASHIMA, Mark M. 10. TSUJI, Clift	e e bad	X			
11. WOOLEY, Jessica					· Carlo (Maria La Jan
12. MCDERMOTT, Bob		Y			
13. THIELEN, Cynthia					
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TOTAL (13)		12			\
The recommendation is: Adopted Description of the point referral, did not support recommendation. Committee peronym(s)					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					